

The Nebraska PROFESSIONAL

Nebraska Board of Engineers and Architects Newsletter

WINTER 2009

Non-compliant building projects: A growing concern and possible remedies

By Mark Champion, AIA
NBEA Board Chair

Since the beginning of 2000, nearly half of all complaints received by the Nebraska Board of Engineers and Architects (NBEA) have been directly related to unlicensed practice (building projects completed without design services being provided by licensed architects or professional engineers). NBEA believes that these complaints may be only the tip of the iceberg and that substantial numbers of non-compliant structures are being built across our state, slipping through the laws intended to protect the public.

One reason may be the real and perceived limit on the number of architects and engineers working in Nebraska, especially in the western two-thirds of the state. Another reason may be that code officials may not be notifying the Board when they come across a non-exempt project that does not have licensed professionals involved.

NBEA has been working on ways to reduce the number of non-compliant building projects. With the recent addition of a Public Information Officer (see article, page 3), NBEA will expand its education efforts, working to assure that all

parties associated with the building industry are well informed as to the legal requirements regulating the design of non-exempt structures.

In addition, NBEA is considering a change in the definition and role of the Coordinating Professional as outlined in the E & A Act which would make it easier for owners in areas with less ready access to architects and professional engineers to design compliant structures.

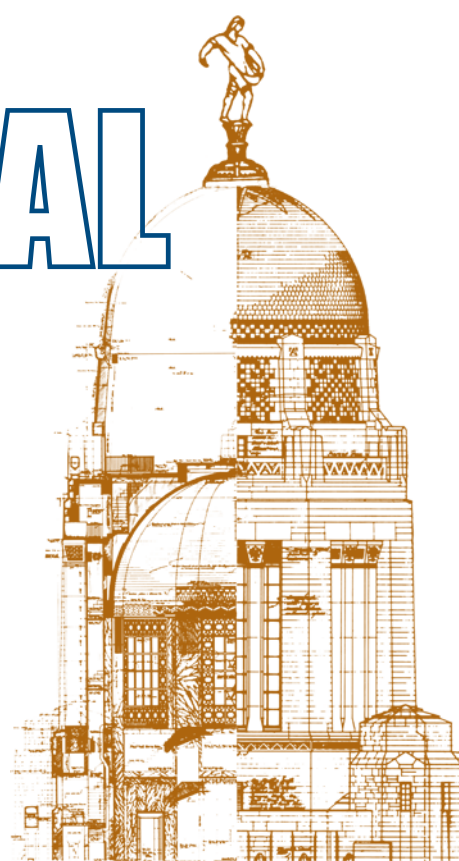
Changes under consideration

A committee comprised of Board members Mark Champion, Roger Helgoth, Tom Laging, and Executive Director Melinda Pearson have developed an initial proposal aimed at getting at least one licensed professional actively participating on every non-exempt building project by redefining the role of the Coordinating Professional and developing a new "partially-exempt" second tier to the Exemption Matrix. We are requesting input from professionals in the building industry on this proposal.

Proposed addition to Exemption Matrix

A second tier of partially-exempt projects would be added to the Exemption Matrix which would allow some currently non-exempt projects to be designed under the supervision of ONE Coordinating Professional (see chart on page 2). These small- to mid-sized projects could be designed WITHOUT multiple engineers or an architect, as long as the Coordinating Professional has the professional training and/or experience to fully understand, review and approve all documents relating to the project which are designed by non-licensed professionals.

For this second tier of partially-exempt projects the Coordinating Professional would be able to sign, seal and attest to architectural, engineering, and other technical discipline or specialty



documents created by other Certified Trade Specialist members of the design team IF (and this an important IF) the Coordinating Professional has the training and/or experience to fully understand, review and approve said documents. If the Coordinating Professional does not have such training or experience s/he would be required to engage the appropriate licensed professional(s). Certified Trade Specialists are individuals who are practicing a certified trade or legally recognized profession such as master electricians and landscape architects.

Proposed changes to Coordinating Professional role

Currently the Coordinating Professional must be an architect or professional engineer (Statute 81-3408) who is a member of a design team but not the construction manager, contractor, developer, or design builder unless they are qualified as a licensed professional member of the design team (Rule 6.3.1).

The Coordinating Professional may not practice outside his or her expertise (R 6.3.1.3). In addition, The Coordinating Professional's seal connotes coordination of design disciplines, but does not signify responsible charge for engineering or architectural work (R 6.3.2).

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Lincoln Community Foundation Building • 215 Centennial Mall South, Suite 400 • Lincoln, NE 68508

P.O. Box 95165 • Lincoln, NE 68509

Phone: 402.471.2021 • Fax: 402.471.0787 • Email: nbea.office@nebraska.gov • www.ea.state.ne.us

Along with the Exemption Matrix change, the role of the Coordinating Professional would be expanded through the following changes to the Rules and Regulations contained in the E & A Act.

Revise Rule 6.3.1 so the Coordinating Professional, as a member of the design team, would be able to act as the person of responsible charge for engineering and architectural work for projects that fall within the proposed new second tier of partially-exempt projects.

Benefits of proposed changes

A number of benefits are anticipated from these proposed changes:

- Public safety is enhanced when more projects have at least one licensed professional involved who is knowledgeable of codes and regulations.
- Owners of smaller, previously non-exempt projects, would be able to retain the services of ONE Licensed Coordinating Professional and be in compliance when developing projects.
- Municipal and county building officials could more easily enforce compliance requirements for business, mercantile, factory or residential projects because of eased regulations.
- Economic development advances will be promoted because eased regulations will make it easier for owners to develop new projects in a compliant manner.

Your comments please

NBEA would like to gather input from our members and other industry professionals regarding the proposed changes to the role of the Coordinating Professional and the addition of a second tier of exempt projects. If you have thoughts on how these changes would impact professional practice and compliance issues in our state, please forward them to the NBEA Executive Director, Melinda Pearson, at melinda.pearson@nebraska.gov

Licensed professional design services required by E & A Act

In 1937, the Nebraska Legislature enacted statutes intended to “govern the practice of engineering and architecture in order to safeguard life, health, property, and promote the public welfare.” Amended over the years, today’s Engineers and Architects Regulation Act (E & A Act) includes laws and rules which safeguard the public by requiring that construction projects of significant size and complexity be designed, and construction overseen, by architects and/or professional engineers.

The laws in the E & A Act require that any building that will exceed the square footages defined in the Act must be designed by an architect and/or professional engineer. Many small-scale building projects are exempt. However, in many parts of our state, these laws are not fully enforced. The result is the construction of non-exempt building projects without the design and engineering services of licensed professionals.

Draft of the expanded Exemption Matrix

A new second tier of partially-exempt projects would be added to the Exemption Matrix as shown in the right column below. Many types of projects up to 10,000 sq ft would be able to be designed under the supervision of a Coordinating Professional. *Exemptions would not be increased for high occupancy or high-hazard structures, or where occupants are likely to be unable to self protect. < = less than

Occupancy Type	Current Exemption No licensed professional required	Proposed second tier Can be designed under the supervision of one Coordinating Professional
A – Assembly	< 1,000 sq ft *	no increase in exemption
B – Business	< 3,000 sq ft	< 10,000 sq ft
E – Educational	< 1,000 sq ft *	no increase in exemption
F – Factory	< 5,000 sq ft	< 10,000 sq ft
H – Hazardous H1 thru H4	< 2,000 sq ft	no increase in exemption
	H5	no increase in exemption
I – Institutional I-1 Personal care	< 3,000 sq ft	no increase in exemption
	I-2 Inpatient healthcare	no increase in exemption
	I-3 Detention	no increase in exemption
	I-5 Day care	no increase in exemption
M – Mercantile	< 3,000 sq ft	< 10,000 sq ft
R – Residential R-1, R-2, R-4	< 4,000 sq ft	< 10,000 sq ft
	R-3	< 10,000 sq ft
S – Storage	< 5,000 sq ft	< 10,000 sq ft
U – Utility	< 5,000 sq ft	< 10,000 sq ft

Local and municipal code officials: The front line of compliance assurance

By Melinda Pearson, AIA
NBEA Executive Director

The Nebraska Board of Engineers and Architects (NBEA) is, by law, the body responsible for enforcing the E & A Act Rules and Laws. However, NBEA does not have in-the-field staff to assure that building projects are meeting legal requirements. NBEA investigates complaints as they are filed with our office. These complaints come primarily as the result of deficiencies discovered during permitting and occupancy inspections conducted by the Fire Marshal. A smaller number of complaints originate from building officials, neighbors, or industry professionals suspecting problems. While the majority of these complaints are satisfactorily resolved, the number of complaints is growing. More troubling are non-compliant projects which are never reported, as we assume these numbers are increasing as well.

The front line of defense to assure that building projects are appropriately designed and engineered rests in the hands of municipal and county officials.

The first line of defense is at the building permit stage. For a building permit to be issued, local code officials review and approve plans to assure that plans are designed in compliance with state and local codes and regulations. If plans are not in

compliance, or even suspected of not being in compliance, local officials can request the owner make necessary adjustments or notify NBEA of suspected compliance issues.

The second line of defense is at the occupancy permit stage. For an occupancy permit to be granted, the Fire Marshal is required only to review NFPA regulations and not building code regulations. While this is not a full code review, it is most often when non-compliance issues are discovered.

Adding to compliance challenges, particularly in rural Nebraska, is that there may be no municipal or county building or code official available to review plans prior to construction. Those projects are only reviewed by the State Fire Marshal’s office, which provides a limited review and not a full code review, so non-compliance issues may not be discovered.

The Board’s goal is to work in ever-closer partnership with state, local, and municipal officials. We encourage these officials to notify the Board of any instances where they suspect there may be compliance issues. We will investigate and enforce, as is our role. In addition, we will report back to officials the outcomes of compliance investigations to promote a better understanding of compliance issues and enhance communications between NBEA and our front lines of compliance assurance.

Crawford new Public Information Officer

Dale Crawford has joined the Nebraska Board of Engineers and Architects as Public Information Officer. Crawford has a background in community journalism and public service.

Melinda Pearson, Executive Director of the Board of Engineers and Architects notes that Crawford brings a strong skill set to the position. "Dale has an excellent communications background. His experience in the newspaper business has built his expertise in communicating with the public. Plus, as mayor of a small town, Dale has developed good instincts in working with public officials. This is so important to us because often, our first line of offense are public officials, as they enforce our codes," said Pearson.

Crawford has been owner/publisher of three weekly newspapers over the past 17 years. In 1992 he purchased his hometown newspaper in Curtis, Nebraska, which he owned along with the Eustis News, until 2002. Shortly after leaving Curtis he went to work for the Wymore *Arbor State* and purchased that newspaper in 2005. He is still part owner of the publication which is managed by his son. Crawford has won numerous journalism awards in writing, photography and design from the Nebraska Press Association. He was also one of three journalists from

Nebraska chosen to travel to Bangor, Washington, to report on the docking of the USS Nebraska in 2004.

Crawford was elected as mayor of Wymore, Nebraska, in 2006.

Before that he was chairman of the Wymore Community Redevelopment Authority in which he helped implement Tax Increment Financing in the downtown area of the community. He has also served on the Curtis Planning and Zoning Board and is past president of the Curtis Chamber of Commerce and the Wymore Community Pride Group.

"I'm looking forward to working with the board and staff in defining the position. Having worked in both journalism and as a public official I see the importance of educating the public in matters of compliance and safety," said Crawford.

Crawford is married with three children. His wife, Cynthe, is an assistant to the engineering department at Store Kraft Mfg. in Beatrice. He has three children – Michael, 22; Joshua, 17; and Shaylee, 13.



Public Information Officer goals

Melinda Pearson, the Executive Director of the Board of Engineers and Architects, states that the primary role of the Public Information Officer (PIO) is to educate the public and licensees. "The board is committed to education first and disciplinary action as a last resort."

In 2003/04 the board received an appropriation for two enforcement positions. From that appropriation the duties of the Compliance Officer and the Public Information Officer were created. The PIO's duties are to inform the public in the matters of compliance in the areas of engineering and architecture to ensure that buildings and infrastructure are safe. Instead of answering phone calls when issues arise, Pearson promotes that a proactive educational approach is needed so potential problems can be taken care of before a complaint is received.

Providing timely, accurate information is a key duty for the PIO. Informing both licensees and members of the public of building regulations and requirements will promote public safety and should prevent many of the problems that arise from unlicensed practice.

The Compliance Officer was hired in 2006, a position currently held by Jon Wilbeck. Dale Crawford was hired in November, 2008, as the board's first Public Information Officer.

"Our top priority is compliance, and to get that you need to inform the public of the Rules and Regulations," said Crawford. "Many of the problems we encounter arise from a lack of understanding of the statutes of engineering and architecture, and I hope we can be proactive and reduce the number of misunderstandings."

Nebraska Statutes, Rules and Regulations are all offered both in print form and on the website (<http://www.ea.state.ne.us>). Anyone who would like information may also contact Crawford at dale.crawford@nebraska.gov or at (402) 471-3044.

2008	UPCOMING EVENTS OF THE NBEA
FEBRUARY 6	PE New Applicant, Spring Examination Application Deadline
12	UNL Visit – Sign up for April 2009 FE Exam
13	NBEA Board Meeting, 8:30-12:00, Lincoln, NE
19	UNO Visit – Sign up for April 2009 FE Exam
20-21	NCEES Board Presidents Assembly, Atlanta, GA
MARCH 1	Spring Examination Application Deadline for FE New Apps. and Retakes / PE Retakes
13	NBEA Board Meeting, 8:30-12:00, Lincoln, NE
26-28	NCARB Region 5 Meeting – Salt Lake City
APRIL 2-4	NCEES Central Zone Meeting, Des Moines, Iowa
17	NBEA Board Meeting, 8:30-12:00, Lincoln, NE
24-25	NCEES Engineering Exams, Lincoln
28	UNL Visit – Sign up for October 2009 FE Exam, Lincoln
30	UNO Visit – Sign up for October 2009 FE Exam, Omaha
MAY 29	NBEA Board Meeting, 8:30-12:00, Lincoln, NE
JUNE 17-20	NCARB Annual Meeting, Chicago, IL
26	NBEA Board Meeting, 8:30-12:00, Lincoln, NE
JULY 31	PE New Applicant, Fall Examination Application Deadline
AUGUST 7	NBEA Board Meeting, 8:30-12:00, Lincoln, NE
12-15	NCEES Annual Meeting, Louisville, KY

Board welcomes Kester

Governor Dave Heineman has appointed Krista L. Kester to a five-year term as the Public Board Member of the Board of Engineers and Architects.

Kester received her Bachelor of Science degree and a Juris Doctorate, both with high distinction, from the University of Nebraska. Prior to private practice she served as a judicial law clerk for the Honorable Warren K. Urbom, U.S. District Court, and as an adjunct professor at the UNL College of Law.



In 2000 Kester joined the firm of Woods & Aitken LLP in Lincoln and is now a partner. Her practice has focused on commercial and construction litigation, appellate practice, and the representation of foreign insolvency liquidators.

"My professional practice makes me acutely aware of the challenges faced by engineers and architects, and the need for clear and consistent guidance of regulation of those professions," stated Kester. "The effectiveness of the rules and regulations governing design professionals is impacted directly by the manner in which they coordinate or conflict with regulatory provisions affecting the construction industry."

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IBC special inspection requirements for building projects

By Peter Vaccaro, PE
Board Member - Structural Engineers
Association of Nebraska (SEAON)

Licensed professionals, code officials, contractors, and building owners should have a basic background in the special inspection requirements relating to the International Building Code (IBC). Since there have been changes in the IBC in Structural Tests and Special Inspections in Chapter 17, professionals are encouraged to review the specific requirements. In this article we will be referring to the 2006 IBC.

According to section 1704.1.1 of the IBC, for a building permit to be issued a Statement of Special Inspections is required to be prepared by the design professional in responsible charge.

This statement should include the following as a minimum:

1. The materials, systems, components and work required to have special inspection or testing by the building official or by the registered design professional responsible for each portion of the work.
2. The type and extent of each special inspection.
3. The type and extent of each test.
4. Any additional requirements for special inspection or testing for seismic or wind resistance.
5. For each type of special inspection, the professional needs to identify if it will be continuous special inspection or periodic special inspection.

Examples of items that may require structural special inspections are steel, concrete, masonry, or wood construction; soils; pile and pier foundations; fire-resistant coatings and mastic material. Under each of these items the design profes-

sional is required to list specific requirements for inspection. The IBC has prepared several tables to help guide the design professional in preparing this document: 1704.3 (Steel), 1704.4 (Concrete), 1704.5.1/1704.5.3 (Masonry), 1704.7 (Soils), 1704.8 (Piles), and 1704.9 (Piers). Design professionals are encouraged to review these tables while preparing the Statement of Special Inspections. Furthermore, professionals should be aware that these special inspections are in addition to the building code official's typical inspections required by section 109 of the IBC.

Section 1704.1 states the owner or registered design professional in responsible charge, acting as the owner's agent shall employ one or more special inspectors to provide inspections during construction. The registered design professional shall prepare the statement of special inspections, but only the building official confers "Approved Agency" status. Section 1703 of the IBC covers the approval process for which the building code official determines if the agency meets the applicable qualifications.

The IBC requires that the special inspector and agency provide the necessary information for the building official to determine if the special inspector is qualified. Since special inspectors must be trained in the material they are inspecting, a registered design professional does not necessarily meet the qualifications as a special inspector unless they have been certified as such for a specific type of construction. If qualified, the design professional should be allowed to perform special inspections on projects they designed. However, on design-build projects where the design professional may be hired by the contractor, the design professional may have a financial conflict of interest.

Special inspections provide some quality assurance for projects by monitoring construction materials and ensuring finished structures perform in accordance with the construction documents. Special inspections are a shared responsibility between licensed engineers practicing structural engineering, owners, code officials, contractors, and other licensed design professionals.

NCARB NEWS

ARE 3.1 ends in June 2009. Will you be transitioned?

On July 1, 2008, the National Council of Architectural Registration Boards (NCARB) introduced version 4.0 of the Architect Registration Examination (ARE). Many ARE candidates are now taking 4.0, although some candidates are still taking 3.1 exams under the "rolling clock" provision. Candidates who have passed all divisions of ARE 3.1 prior to June 30, 2009, will not have to take any division under 4.0.

The last date to test for any ARE 3.1 division is June 30, 2009, and the last date to attempt to schedule an ARE 3.1 appointment is June 27, 2009. Appointments are made on a first come, first served basis and appointment availability cannot be guaranteed. Please allow enough time in advance of these dates to begin scheduling appointments for any remaining ARE 3.1 divisions for which you are eligible.

ARE 3.1 Retakes

If you are currently eligible to take ARE 3.1 divisions, please keep in mind that if you take and fail any ARE 3.1 division on or after January 1, 2009, you will not be permitted to retake that division due to NCARB's mandatory six-month waiting period.

If you will be transitioned to ARE 4.0 on July 1, 2009, you can view the online transition chart to see which divisions in ARE 4.0 you will need

to take to complete the ARE. You can view the transition chart at: http://www.ncarb.org/are/40/transition_chart.html

For more information regarding the examination transition, visit www.ncarb.org. The site has complete updates on the ARE 4.0 including guidelines, study guides, and the transition plan for candidates currently taking ARE 3.1. Specific ARE-related questions can be emailed to NCARB at are@ncarb.org.

Introducing IDP e-EVR

Interns are now able to enter their Intern Development Program (IDP) training units online with the electronic Experience Verification Reporting system (e-EVR). Beginning July 1, 2009, the e-EVR will become the only way for record holders to submit Experience Verification Reports.

Six-Month Rule

As a reminder, the new Six-Month Rule goes into effect July 1, 2009, for interns who begin an intern record on or after this date. The Six-Month Rule goes into effect July 1, 2010 for all interns who started their record before June 30, 2009. IDP requires interns to submit their training units to NCARB in reporting periods of no longer than six months and within two months of completion of each recording period. The Six-Month Rule only applies to interns. It does not apply to registered architects who must document past experience for NCARB certification.

NBEA eliminates exam application fees for students

As of January 1, 2009, NBEA has eliminated the application fees for the FE and ARE exams in an effort to reduce costs to students. The national exam fees still apply, but there are no longer any additional state application fees.

Update on education requirements for engineering licensure

B+30 concepts transitions to "Master's or Equivalent"

At the August 2008 NCEES Annual Meeting, Council delegates and engineering society representatives gathered in Minneapolis. One of the major items of discussion was the ongoing initiative to strengthen the education requirements for licensure.

In 2006, NCEES delegates passed a motion to draft Model Law language requiring candidates to complete 30 academic credits beyond an accredited bachelor's degree (or earn a master's degree) as a prerequisite for engineering licensure. Since then, members of the Council have wrestled with the specifics involved in implementing this requirement at the state level. This requirement has gone by several names, most commonly the B+30 or "bachelor's plus 30." NCEES will now begin referring to this requirement more simply as the **master's degree or equivalent**.

While the Council is nearly unanimous in its desire to strengthen the education requirements for engineering licensure, many within the organization and throughout the engineering profession have expressed concern with the specifics of the master's or equivalent requirement. This prompted a close examination of the work done by the 2007–08 Bachelor's Plus 30 Task Force, which was charged with investigating potential obstacles to implementing the new requirement. Among the task force motions that passed was a motion to change the earliest date that the requirement could be implemented in any state to 2020.

Discussion at this year's meeting resulted in a decision by the Council to pass a resolution that calls for NCEES leadership to assign a task force to provide the Council with a written analysis of:

- 1) The potential educational, professional, regulatory, and economic impact of the master's or equivalent; and

- 2) Any alternative solutions besides the master's or equivalent that could potentially address the challenge of better preparing engineering licensure candidates to enter the profession.

NCEES is still in the beginning stages of responding to this resolution. More information will be available in the future about the specific charges that President Henn Rebane, P.E., will assign to the 2008–09 Engineering Education Task Force.

For more information visit www.ncees.org or contact Jerry T. Carter, NCEES Executive Director.

FE exam to be reorganized

On November 3, 2003, NCEES announced revisions to the FE exam. Currently, statics and dynamics topics are listed together under the heading Engineering Mechanics. Beginning with the April 2009 exam, topics related to statics and dynamics will be divided into two distinct groups under that heading. Topics have been reordered in the new groups, and friction is listed as a topic in both groups. Details are available at www.ncees.org.

PE Mining and Minerals exam to be revised

In October 2009, several changes to the NCEES PE examination in Mining and Minerals will go into effect including revised specifications. In addition, the exam name has been changed to Mining and Mineral Processing. An updated study guide is now available from the Society for Mining, Metallurgy, and Exploration (SME).

Civil PE exam changes delayed

Changes to the Civil PE exam were scheduled to be implemented in October 2009 and changes to the FE and Mechanical PE were scheduled to go into effect April 2010. However, these changes are now on hold pending the development of the unique ID system authorized by the Council in 2006 which is anticipated to be implemented in October 2010.

The Nebraska Board of Engineers and Architects is made up of eight members, all of which are appointed by the Governor for five-year terms. The board comprises four professional engineers, three architects and one member representing the general public.

Updated regulations affect renovations and one-level additions

Recently, an update was made to the State of Nebraska Engineers and Architects Regulation Act Handbook. The update is in Section 10 of the Rules and Regulations and clarifies language describing exemptions to the E & A Act regarding renovations and one-level additions. The revised language is as follows:

10.4.1 Renovations and one-level additions to an existing building, structure, or work shall be exempt from the E & A Regulation Act if:

- 10.4.1.1 The total impacted area is less than the area set by Section 10.3 of this Chapter; or
- 10.4.1.2 The potentially habitable area of renovation or addition does not adversely impact the mechanical system; the electrical system; the structural integrity; the means of egress; and does not change or come in to conflict with the occupancy classification of the existing or adjacent tenant space, building, structure or work.

Is your Regulation Act Handbook outdated?

The latest version of the E & A Act handbook was published 11/2008, replacing the previous version published 10/2007. (Publication date is found on the bottom of page 1 of the handbook.)

The most current version of the handbook can be downloaded from our website at www.ea.state.ne.us or you can request a printed copy by emailing the NBEA Public Information officer dale.crawford@nebraska.gov.

Electronic renewals successful

In 2008, NBEA completed the conversion from paper-based to electronic renewals. Initiated in 2007, the new renewal process notifies members by mail of the need to renew, and directs them to an online renewal form. Paper renewal forms can be requested for those who prefer to not renew electronically.

In 2007, members with last names starting with A to K were up for renewal. Of those, 90 percent chose to renew online. In 2008, members with last names starting with L to Z received similar notices and 95 percent of renewals were completed online.

The online renewal process is proving extremely popular among licensees. This green solution saves considerable amounts of paper and eliminates an immense amount of manual data entry. Licensees have commented on the convenience and time savings.

The NBEA board and staff thank our members for embracing this time and money-saving process.

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Roger Helgoth, PE, NBEA board member and former board chair, believes that Kester will bring a diverse voice to the board. "As an attorney practicing in construction law, Krista will be a valuable addition to the board," said Helgoth. "She is the second woman to serve as a member of the board since it began in 1937."

Recently resolved compliance cases

The following cases were reviewed for compliance by the Nebraska Board of Engineers and Architects, and resolved via the action noted. These summaries are provided for licensee education and information. In cases where disciplinary action was taken by the Board per § 81-3444, the names of the individuals or organizations involved have been included.

Use of words “architect” or “engineer”

Case #07.11 – A company that extracts electronic information from legal documents registered with the Nebraska Secretary of State to use the name “Image Capture Engineering.” The company did not have a Certificate of Authorization to practice engineering. **Action:** The Board contacted the Secretary of State’s office to remind them of the requirements of 81-3436, which requires non-exempt organizations to have a Certificate of Authorization if they wish to use the words “architect” or “engineer” or any modification or derivative of those words. The compliance procedures in place at the Board and at the Secretary of State’s office were examined and strengthened to minimize the occurrence of these situations in the future. Image Capture Engineering was found to have been purchased by another company and no longer operated under the Image Capture Engineering name or used the name in any form of business. Case closed.

Case #07.13 – An architect notified the Board of a contractor that was using the term “construction and architecture” in the company’s name and printed on their vehicles.

Action: After verifying that the contractor was not a licensed architect, the board requested the contractor to remove the word architecture from the company’s name and vehicles. The contractor complied and changed the firm name to use the term “construction and design.” Case closed.

Case #08.08 – A complaint was filed against Architecture, Inc., a firm in the Lincoln area. The complaint alleged that the organization did not have a Certificate of Authorization to practice.

Action: At the time the complaint was filed, the firm did not have a Certificate of Authorization to practice. The firm was contacted by the Board, and they did apply for a Certificate of Authorization, which was granted. The Board issued a formal reprimand to the organization. The reprimand stated that the organization is “strongly cautioned to exercise greater care in order to avoid any repetition of such improper, questionable, and possibly illegal activity in the performance of your future professional services.”

Limits of inspection not clarified

Case #07.18 – A structural engineer, Murven Sisson, was hired by a real estate agent in Omaha to inspect the basement of a property after a preliminary inspection noted cracks in a basement wall. The agreement was verbal. The engineer performed an inspection of the slab, ceiling, walls, windows, and interior and exterior walls and frames of the basement. The engineer noted no visible distress to the walls, such as might be caused by settlement, so the engineer limited his inspection to the basement and exterior walls but did not indicate

in his written report that his findings were limited to the particular areas inspected. Following this review and examination, the engineer issued a letter to the prospective homeowner stating, in part, that “there is no evidence of wall settlement, and no significant problem with lateral movement. The cause of these cracks is shrinkage of the concrete block after the wall was assembled.” Relating to a basement slab slightly out of level, the engineer advised the homeowner, “It appears this slope was not a result of settlement, and that the slabs were likely poured in this fashion.” Relying in part on the engineer’s investigation, the homeowner purchased the residence and subsequently discovered significant problems with the home’s foundation.

Action: The Board signed a Consent Agreement with the engineer and determined a written reprimand was appropriate in that the engineer did not specifically limit within his report the extent of his inspection. The engineer believed the inspection to be “limited,” while the report did not contain any express limitation of qualification of his findings. The engineer also paid a \$500 civil penalty.

Practice opinion

Case #08.05 – A corrosion control company contacted the Board for an opinion regarding the work of corrosion control specialists and underground storage tanks, and if the Board considers the work they perform to be engineering.

Action: Nebraska Administrative Code Title 159 states that corrosion experts must be accredited or certified as being qualified by the National Association of Corrosion Engineers or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks. Based on a description of the work performed provided by the company, the Board determined that the work of corrosion control specialists constitutes the practice of engineering and that they must be licensed engineers to perform their work in Nebraska. Case closed.

Suspected “phishing” investigated

Case #08.06 – A complaint was received regarding an advertisement placed in an eastern Nebraska weekly newspaper from a company called “Millennium Magic Engineering Services.” The firm did not hold a Certificate of Authorization to use the term engineering in its name and provide engineering services.

Action: The Board was unable to contact the alleged owner of the company, referenced in the ad as Mr. Michael J. Sloan, despite e-mails and other inquiries. The Board did locate other, similar ads this company had been placing in publications around the country, for example in California and Nevada. It was the Board’s opinion that neither Mr. Sloan nor his company were located in Nebraska and that the actions were likely a “phishing” scam. The Board registered this firm as being in violation of Nebraska Statutes via the NCEES’ Enforcement Exchange. The site is monitored by engineering registration boards throughout the United States.

Seal correction

Case #08.04 – A structural engineer submitted a document to the offices of the Board with his seal. His seal states he was a “Registered Professional Engineer” and does not specify the engineering discipline as required by Neb. Rev. Stat. § 81-3437.

Action: The Board sent a letter to the engineer notifying him that the correct language of the seal should state “Professional [Discipline] Engineer.” The engineer complied and submitted proof to the board. Case closed.

Renovation exempt

Case #08.09 – Complaint filed alleging that engineers have not been retained for upcoming renovation projects on three municipal buildings in northeast Nebraska.

Action: The Board requested a copy of the final bid tabulation sheet. Each project was found to have contemplated expenditures under \$86,000, and therefore exempted these projects from requiring an engineer per Neb. Rev. Stat. § 81-3449, section (4). Case dismissed.

Practice violation

Case #07.12, #07.17 – The Nebraska Department of Environmental Quality informed the Board of Notice of Violations issued to an engineer, Raymond Hajek, who designed two on-site waste water (OSWW) systems. The issue is that, as an engineer licensed in Nebraska, he is responsible for taking into account all applicable state and municipal laws and regulations and “shall not knowingly design a project in violation of such laws and regulations, and should only practice professional services for which engineers are “qualified by education, training, and experience.” (Nebraska Administrative Code - Title 110, Section 5.1)

Action: Investigation by the Board found that the engineer had no formal education in OSWW sites. The Board issued a Cease and Desist Order to the engineer requiring him to stop design and construction of any future OSWW projects until the violations reported by NDEQ had been satisfactorily resolved and proof was submitted to the Board. The engineer resolved NDEQ’s violations, and the Cease and Desist was lifted. Cases closed.

Plan-stamping suspected

Case #08.11 – A central Nebraska architect was alleged to have been “plan-stamping” projects for which he had not had direct supervision of the production of the documents.

Action: In interviews conducted with the architect, he stated that all of the projects with firms named in this complaint were reviewed, sealed, and prepared under his direct supervision. He explained that he receives a preliminary drawing by e-mail from those firms, then reviews it, notes any and all necessary changes to be made, and sends it back to the partnering firms for revisions. This process continued until he was satisfied that the project met all applicable requirements and codes. The Board determined that he did have direct supervision of the architectural work being done and no disciplinary action was taken. Case closed.

Unlicensed practice investigated

Case #08.12 – The State Fire Marshal notified NBEA of a possible violation on a planned 8,400 sq ft mixed-use project in north-central Nebraska. The project was not exempt and required the involvement of an engineer and architect for design.

Action: The Owner revealed that they had drawn the plans up themselves and submitted them to the Fire Marshal's office so that they could find out what the sprinkling requirements might be. The Owner had also contacted an architect to design the project and had been in talks with a construction company to provide the building shell. The Board informed the Owner that the project, as submitted to the Fire Marshal, would require the services of a licensed architect and engineer and that one should be identified as the Coordinating Professional. The Board contacted the architect named by the Owner and confirmed that he would be the Coordinating Professional of this project. Case closed.

Case #08.15 – During a visit to a central Nebraska city permitting department, the Compliance Officer spot-checked the plans currently under review. He found a set of architectural and engineering plans for a project that were prepared by a firm authorized only to practice engineering. The firm was also identified in the drawings as the Architect of the project. In addition, the seal of the architect appeared on numerous engineer-

ing sheets, which indicated the architect was practicing engineering. It is unlawful for an architect to practice engineering per Neb. Rev. Stat. § 81-3420.

Action: The firm was contacted about the allegations. In their response, the firm was under the impression their corporation's Certificate of Authorization covered architectural services, as well as engineering services. They amended their certificate of authorization to include architectural practice, which was granted. Regarding the architect signing the engineering sheets, the firm explained that they thought the architect was signing the drawings as the Coordinating Professional. The Board explained that § 81-3437 (3)(g) says that projects involving more than one licensed architect or professional engineer shall have one designated as the coordinating professional. The coordinating professional shall apply his or her seal and signature and the date to the cover sheet of all documents and denote the seal as that of the coordinating professional. Case closed.

Verbal agreement disagreement

Case #08.13 – Complaint pertained to a structural home "assessment" done by the Respondent, an engineer, on the Complainant's residence. The complaint is that the engineer did not satisfy the terms of the agreement for professional services between himself and the homeowner. No written contract existed, only a verbal agreement.

Action: The Board considered this case a private contractual matter, but did advise the homeowner and engineer that in projects such as this, the terms and scope of services be made in writing and fully understood by all parties involved. Case dismissed.

Questionable practices reviewed

Case #08.14 – A complaint was filed against an engineer regarding ethical concerns the complainant had about the engineer's practices. It was alleged that the engineer used construction practices on products that conflicted with Contract Documents on certain projects, and then did not notify his client of these alleged questionable practices. Also, that the engineer had allegedly buried solid waste illegally at his jobsite.

Action: After contacting the clients of the engineer and explaining the nature of the construction practices employed by the engineer, it was determined that the questionable practices were relatively minor issues in the eyes of the clients. The Board found insufficient cause for any disciplinary action. Regarding the solid waste burial, the Board found that NDEQ had already conducted an investigation of this issue. The Board accepted NDEQ's conclusions. Case closed.

Licensure updates

April 23 through December 3, 2008

Architects By Exam

Todd C Moeller	Omaha	NE
Gregory S Galbreath	Omaha	NE
Blake A Thomas	Lincoln	NE
Steven W Mielke	Brooklyn	NY
Thomas J Kapels	Colorado Springs	CO
Erin P Froschheiser	Omaha	NE
Martin E Lane	Elkhorn	NE
Amy M Riley	Omaha	NE
Nicholas Dean Pischel	Lincoln	NE
Matthew Knutson	Omaha	NE
Sara A Jansen	Omaha	NE
Jennifer A Felton	Lincoln	NE
Daniel Robert Gillis	Omaha	NE

Professional Engineers By Exam

Civil

Robin Rae Philipp	Omaha	NE
Craig T Reinsch	Lincoln	NE
Matthew T Steele	Osceola	NE
Alan R. Swanson	Lincoln	NE
Christopher J Vokt	Council Bluffs	IA
Jason P Volz	Lincoln	NE

Electrical And Computer

Vincent A Cappellano	Omaha	NE
Benjamin Mcguire	Lincoln	NE
Michael A Neu	Nebraska City	NE
Draper J Palu	Lincoln	NE
Russell Sack	Lincoln	NE
Toby Samuelson	Omaha	NE
Christopher P Sickler	Lenexa	KS

Environmental

Shannon L Bartelt-Hunt	Omaha	NE
Jeffrey E McPeak	Lincoln	NE

Mechanical

Craig A Hickle	Bellevue	NE
Scott G Jedlicka	Lincoln	NE
Todd M Jedrzejczyk	Lincoln	NE
David L Johnsen	Firth	NE
Derek D Pfeifer	Kearney	NE
Mark Edwin Rentschler	Omaha	NE
Yan E Richard	Omaha	NE
Bryan D Sharp	Omaha	NE
Jamie J Vanroy	Omaha	NE

Structural

Kenneth L Deyoung	Columbia	MO
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Emeritus Licensees

Emeritus Architects

James R De Stefano	Chicago	IL
William B Livingston	Wichita	KS
Curry W Miles	Bellingham	WA
Tracy M Nelson	Colorado Springs	CO
Frederick A Reed Jr	Grand Ledge	MI
Herman Schmidt Jr	Burke	VA
Zsolt S Vamosi	Cincinnati	OH
Gary L Vandergriff	Midland	TX

Emeritus Engineers

Wayne L Bennett	Grand Island	NE
Oswalds O Bumanis	Lincoln	NE
Kenneth W Davenport	Barstow	CA
Lee N Gustafson	Lincoln	NE

Michael M Joye	Flemington	NJ
Keith E Leslie	Dallas	TX
Frank E Maddy	Bluff Dale	TX
Stanley J McLaughlin	Omaha	NE
Dwayne T Muff	Omaha	NE
James L Olsen	Omaha	NE
Gregory L Panza	Littleton	CO
Duane S Prorok	Valley	NE
Lawson M Safley Jr	Raleigh	NC
Joseph J Salvatorelli	Cherry Hill	NJ
Roy A Singleton	Omaha	NE
Jerry D Steinke	Brule	NE
Richard J Thornton	Denver	CO
John E Velehradsky	Aloha	OR
Michael J Velloff	Alton	IL
Thomas E Wall	Rock Rapids	IA
Roy O Youker	Lincoln	NE

Deceased Licensees

Architects

Ronald G Ericson	Omaha	NE
Michael E Wiemers	Potter	NE

Engineers

Wesley D Davis	Little Rock	AR
Arthur E Hansmire	Valencia	CA
Ralph C Hombsch	Oconomowoc	WI
Ossein Ali Novin	Shawnee Mission	KS
W A Richardson	Omaha	NE
Edward T Shotkoski	Columbus	NE
Arvid L Thomsen	Omaha	NE
Mark L Eisenman	Columbus	OH

Old House

Highway 63, north of Ashland, Nebraska

The first settler's house was a hole in the ground, and the first improvement was to move the hole up on top of the ground in the form of a soddy.

People are too vain to live like their brothers, the animals, in burrows, and the sod house made them feel better. The brick house is a further improvement, but you'll note that it's still a shelter built out of earth, and the first creatures to move back in after the people are gone are the fieldmice, who recognize a burrow when they see one.

Ted Kooser

Ted Kooser, U.S. Poet Laureate (2004-2006) and recipient of the 2005 Pulitzer Prize for Poetry, is a Nebraska poet.



Robert L. Hanna, illustrator and a Nebraska Emeritus Architect.

Building officials:
Please read articles on
pages 1 and 2. We would
like your comments.

**STATE OF NEBRASKA BOARD OF
ENGINEERS AND ARCHITECTS**

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Lincoln, NE 68509



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